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8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 PATTI DENISE LAPIO, RN  
242 Flame Tree Place  
Oceanside, Ca. 92057

14 Registered Nursing No. 573722

15 Respondent.

Case No. 2009 26

OAH No. 2008110577

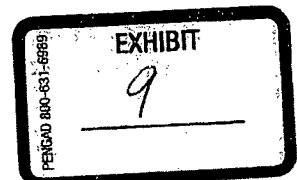
**STIPULATION AND ORDER FOR  
INTERIM SUSPENSION PENDING  
FINAL DECISION AND ORDER**

Hearing: February 11, 2009  
Time: 9:00 a.m.

19 WHEREAS the Accusation in this proceeding is being brought pursuant to Section 821  
20 of the Business and Professions Code (Code) and seeks the revocation of Respondent PATTI  
21 DENISE LAPIO, RN's (Respondent) license to practice as a Registered Nurse as a consequence  
22 of her failure to comply with an order compelling her to submit to a mental health evaluation  
23 pursuant to section 820 of the Code;

24 WHEREAS Respondent seeks a continuance of the hearing in this matter presently set  
25 for February 11, 2009;

26 WHEREAS Complainant RUTH ANN TERRY, M.P.H., R.N., solely in her capacity as  
27 Executive Officer of the Board of Registered Nursing (Board), and in the interest of the  
28 protection of the public, objects to a continuance unless Respondent's license is suspended



1 pursuant to section 821 pending a final decision and order in this case;

2 NOW THEREFORE, in consideration of the foregoing;

3 IT IS HEREBY STIPULATED by and between Respondent PATTI DENISE LAPIO,  
4 RN, on the one hand, and Complainant RUTH ANN TERRY, M.P.H., R.N., solely in her  
5 capacity as Executive Officer of the Board, on the other hand, that Respondent's License No.  
6 573722 to practice as a nurse in the State of California is hereby suspended pursuant to Section  
7 821 of the Code until a final decision and order in this proceeding.

*Effective 11/20/09  
March 11, 2009*

8  
9 DATED: February 11, 2009

EDMUND G. BROWN JR., Attorney General

10  
11 

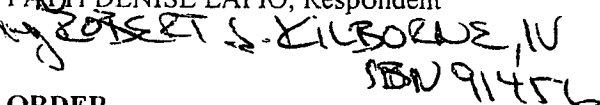
12 CARL W. SONNE  
13 Deputy Attorney General  
14 Attorneys for Complainant

For

15 RUTH ANN TERRY, M.P.H., R.N.  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

21 DATED:

22   
23 PATTI DENISE LAPIO, Respondent

24   
25 ROBERT S. KILBORNE, IV  
26 SBN 91456

ORDER

27 IT IS SO ORDERED:

28   
ADMINISTRATIVE LAW JUDGE

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 JAMES M. LEDAKIS

Supervising Deputy Attorney General

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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-26

13 PATTI DENISE LAPIO, RN

242 Flame Tree Place

14 Oceanside, Ca. 92057

**A C C U S A T I O N**

15 Registered Nursing No. 573722

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant brings this Petition for an Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer  
22 Affairs.

23 2. On or about November 7, 2000, the Board of Registered Nursing  
24 ("Board") issued Registered Nurse License Number 573722 to Patti Denise Lapio  
25 ("Respondent"). The license was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on June 30, 2010, unless renewed.

27 **JURISDICTION / STATUTORY PROVISIONS**

28 3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code (Code) unless  
2 otherwise indicated.

3 4. Code section 2750 provides, in pertinent part, that the Board may  
4 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
5 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Code section 2764 provides, in pertinent part, that the expiration of a  
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
8 against the licensee or to render a decision imposing discipline on the license.

9 6. Code section 820 states:

10 "Whenever it appears that any person holding a license, certificate  
11 or permit under this division or under any initiative act referred to in this division  
12 may be unable to practice his or her profession safely because the licentiate's  
13 ability to practice is impaired due to mental illness, or physical illness affecting  
14 competency, the licensing agency may order the licentiate to be examined by one  
15 or more physicians and surgeons or psychologists designated by the agency . . ."

16 7. Code section 821 states:

17 "The licentiate's failure to comply with an order issued under  
18 Section 820 shall constitute grounds for the suspension or revocation of the  
19 licentiate's certificate or license."

20 CAUSE FOR DISCIPLINE

21 (Failure to Comply with Psychological Examination Order)

22 8. Respondent is subject to disciplinary action under Code section 821 for  
23 failure to timely comply with the Board's order for psychological/psychiatric examination. The  
24 circumstances are as follows:

25 9. On or about August 27, 2008, the Board issued an Order Re: Petition to  
26 Compel Physical/Mental Examination pursuant to Code section 820 requiring Respondent to  
27 submit not more than 30 days from service of the order to a physical/mental examination by a  
28 physician or by a psychologist designated by the Board to determine whether her competency to

1 safely practice nursing is impaired due to mental and/or physical illness. The order was properly  
2 served on Respondent on August 29, 2008. Thereafter Respondent retained counsel in response  
3 to the order; nevertheless, Respondent failed to comply with the Board's order.

4 PRAYER


5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 573722,  
8 issued to Patti Denise Lapio;

9 2. Ordering Respondent to pay the Board of Registered Nursing the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: 10/27/08

15  
16   
17 RUTH ANN TERRY, M.P.H., R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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